

Department for Infrastructure – TransportNI

The Roads (Northern Ireland) Order 1993
The Local Government Act (Northern Ireland) 1972

DEPARTMENTAL STATEMENT

on the

PUBLIC INQUIRY INTO THE

PROPOSED YORK STREET INTERCHANGE:

Environmental Statement

Draft Designation

Draft Vesting

TransportNI – Eastern Division
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NOVEMBER 2016

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1. CONTENTS OF DECISION

- 1.1 The Department for Infrastructure (DFI) TransportNI has decided to proceed with the proposed York Street Interchange scheme. The scheme is as described in the Environmental Statement, draft Designation Order and draft Vesting Order published by the Department in January 2015.
- 1.2 The Proposed Scheme will provide a fully grade-separated interchange to replace the existing signalised gyratory junction. Interchange links between the Westlink, M2 and M3 will be provided in underpasses aligned beneath new bridge structures at York Street and under the existing Dargan and Lagan Bridges, which form major physical constraints at the site.
- 1.3 The scheme requirements will be as shown on the contract drawings, specification and associated documents.
- 1.4 Sections 2, 3 and 4 set out the considerations on which the decision to proceed with the scheme is based and Section 5 describes the measures that will be incorporated to mitigate the adverse effects of the scheme and the most significant impacts arising from the scheme.

2. BASIS OF DECISION

2.1 EXISTING SITUATION

2.1.1 The existing York Street junction is located on the Eastern Seaboard Corridor which is part of the North Sea - Mediterranean Corridor, a Trans-European Network for Transport (TEN-T) route which runs down the eastern side of Ireland linking the ports of Belfast, Dublin and Cork.

2.1.2 The existing junction links the three busiest roads in Northern Ireland and provides access to the Port of Belfast from the Strategic Road Network and is the main access to Belfast City Centre from the north.

2.1.3 The current arrangement consists of a signalised gyratory “box” system with traffic signals at each corner, serving over 100,000 traffic movements per day. It is a source of traffic congestion and requires careful traffic management, particularly during peak periods.

2.1.4 The existing junction is therefore considered a “bottleneck” on the Strategic Road Network in accordance with the definition established by the Regional Transportation Strategy for Northern Ireland 2002-2012, i.e.:

“...where localised restrictions cause undue congestion and thereby delay for freight, public transport and cars.”

2.1.5 York Street also provides a pedestrian route linking the railway station at York Street and residential areas in North Belfast to the city centre. This can be a particularly difficult and intimidating route for pedestrians as they are required to cross five lanes of traffic at two locations on their route into the city. There are no cycling facilities at present through the junction.

2.1.6 The traffic route from the M2 to the Westlink is particularly affected by delays as these vehicles are required to pass through three sets of traffic signals.

2.1.7 Local traffic movements on the adjacent streets are also difficult as drivers seek alternative access and egress from the city centre.

2.1.8 The junction is bounded by a local residential area in Little Georges Street on the northern side of the Westlink and by the lands owned by the Belfast Harbour Commissioners along Corporation Street. The planned opening of the University development in 2017 along with other planned proposals have been considered on the basis of information made available as part of their respective planning applications.

2.2 **BACKGROUND AND POLICY CONTEXT**

2.2.1 The programme to improve transport links in Northern Ireland has been developed and is based on a series of key documents which include:

- ‘Regional Development Strategy for Northern Ireland 2025 - Shaping our Future’ published in 2002;
- ‘Regional Development Strategy 2035 – Building a Better Future’ published in 2012;
- ‘Regional Transportation Strategy for Northern Ireland 2002-2012’ published in 2002;
- ‘Ensuring a Sustainable Transport Future – A New Approach to Regional Transportation’, published in 2012;
- ‘Regional Strategic Transport Network Transport Plan 2015’ published in 2005;
- ‘Belfast Metropolitan Transport Plan 2015’ (BMTP) published in 2004;
- Investment Strategy for Northern Ireland 2005-2015 published in 2005;
- Investment Strategy for Northern Ireland 2008-2018 published in 2008;
- Investment Delivery Plan for Roads published 2008;
- Investment Strategy for Northern Ireland 2011-2021 published in 2011; and
- Expanding the Strategic Road Improvement Programme 2015 published in 2006.

2.2.2 The consistent vision of these strategies is “to have a modern, sustainable, safe transportation system which benefits society, the economy and the environment and

which actively contributes to social inclusion and everyone's quality of life". The York Street Interchange project meets this vision by upgrading a strategically important transport interchange and as such will reduce congestion and facilitate further economic development through improved freight distribution and access to ports.

2.2.3 The Regional Transport Strategy recognises the importance of removing bottlenecks on Key Transport Corridors. The bottleneck at the existing junction is identified in the BMTP and the Consultation Document "Expanding the Strategic Road Improvement Programme 2015" published in 2006.

2.2.4 The proposed improvement was developed following the Public Inquiry into the M1/Westlink Improvements that was held in 2002 and the completion of the Statutory Orders for the improvement of the M2. It was clearly recognised that both these schemes would deliver traffic quicker to the junction, which even at that time was considered to be operating in excess of its capacity.

2.2.5 A study was commissioned to:

- examine the traffic management options to improve the junction;
- consider if there are any short term improvements; and
- develop a final solution.

2.2.6 This resulted in two reports being produced in 2005, the Traffic Management Options Report and the York Street Interchange Preliminary Appraisal Report.

2.2.7 The Traffic Management Options Report considered traffic management solutions for the junction. The options presented were not considered to provide an acceptable solution in terms of operational effectiveness and safety and therefore were not taken forward.

2.2.8 The York Street Interchange Preliminary Appraisal Report considered the provision of grade separation with direct links between the three main routes. This was confirmed as feasible and this option was presented to the then Roads Service Board in 2006 prior to the scheme being admitted to the Forward Planning Schedule.

2.2.9 A short term improvement to widen the Westlink to provide a dedicated off-slip to York Road was implemented in 2009.

2.3 SCHEME BENEFITS AND OBJECTIVES

2.3.1 The existing York Street junction, which links three of the busiest roads in Northern Ireland by means of a signalised gyratory system, has for some time been identified as a bottleneck on the strategic road network. The need for improvement has been identified in key strategy documents such as the Belfast Metropolitan Transport Plan and the Investment Strategy for Northern Ireland.

2.3.2 The appraisal of proposals for improvement are assessed against the Government's five objectives for Transport of Environment, Safety, Economy, Accessibility and Integration as well as against the scheme specific objectives. These are:

- to remove a bottleneck on the strategic road network;
- to deliver an affordable solution;
- to reduce congestion on the strategic road network;
- to improve reliability of strategic journey times for the travelling public;
- to improve access to the regional gateways from the Eastern Seaboard Key Transport Corridor;
- to maintain access to existing properties, community facilities and commercial interests;
- to maintain access for pedestrians and cyclists; and
- to improve separation between strategic and local traffic.

2.3.3 TransportNI has considered the options available and concluded that the proposed scheme to directly link the three main roads will greatly improve conditions for strategic and local traffic, reduce severance between North Belfast and the City Centre and substantially improve facilities for pedestrians, cyclists and public transport. In particular the connection between the Yorkgate railway station and the City Centre will be improved through the provision of grade separation and the associated reduction in traffic flows at the remaining signalised junctions.

- 2.3.4 TransportNI has undertaken a comprehensive analysis of the options for proposed scheme including a full Environmental Impact Assessment. This assessment has identified appropriate mitigation measures which will be implemented in the future construction contract by the appointed Contractor.
- 2.3.5 TransportNI has concluded that the proposed scheme represents good value for money. The proposed scheme has a TransportNI approved Estimate Range of between £125 Million and £165 Million. Over the 60 year assessment period it provides a positive Benefit to Cost Ratio (BCR) of 2.33.
- 2.3.6 The proposed scheme will provide benefits to users of the Strategic Road Network, with significant journey time savings expected following its implementation.

2.4 **SCHEME HISTORY AND ALTERNATIVE SCHEMES**

- 2.4.1 In March 2008 consultants Scott Wilson subsequently acquired by URS, were appointed to undertake the scheme development in accordance with the Department's procedures as set out in RSPPG E030 and the requirements of the Design Manual for Roads and Bridges (DMRB).
- 2.4.2 URS was subsequently acquired by AECOM in October 2014. For the purpose of this Statement, reference to URS includes references to its former legacy companies, including Scott Wilson.
- 2.4.3 A Preliminary Options Report which summarises the outcome of a DMRB Stage 1 Scheme Assessment was completed in March 2009. This document considered six options for the improvement and recommended that four composite layouts be taken forward for more detailed assessment at the next stage, based around the principle of two options with largely elevated links and two links with mainly depressed links. Based on this report the Proposed Scheme was formally approved by the Investment Decision Maker (IDM) in the form of the then Roads Service Board for inclusion in the Preparation Pool. The Preparation Pool is a programme of high priority schemes that TransportNI is committed to progressing through the Statutory Procedures of Environmental Statement, Designation Order and Vesting Order. This is RSPPG E030 Approval Gateway 0.

- 2.4.4 Following Approval Gateway 0, a DMRB Stage 2 Scheme Assessment was commenced on the preliminary options. As part of this process a non-statutory public consultation exercise was completed in June 2011, to invite comments from the public on the four options being considered. The findings from this consultation exercise were one of many factors taken into consideration at the end of the assessment process, where a single Preferred Option was identified. The findings from the Stage 2 Scheme Assessment and the reasons for the selection of the single preferred option are reported in the summary Preferred Options Report which was prepared and submitted to the IDM in October 2012. Formal approval was granted to progress development of the Proposed Scheme and to start work on the statutory procedures in October 2012. This is RSPPG E030 Approval Gateway 1.
- 2.4.5 The proposed scheme was then further developed to complete a full Environmental Impact Assessment examining the impacts of the scheme under a range of headings, detailing the factors that would be put in place to mitigate the impact of the proposed changes and detailing the land that would be required for the scheme.
- 2.4.6 The statutory changes to the road network, in terms of designation of the roads, were also determined in the Designation Order, with the Vesting Order prepared to reflect and enable the necessary purchase of lands.
- 2.4.7 The announcement of the proposals for the Statutory Orders was made by the Minister on 27th January 2015.

2.5 **STATUTORY PROCEDURES**

- 2.5.1 The statutory procedures governing the construction and improvement of trunk roads are prescribed by The Roads (Northern Ireland) Order 1993 (“the 1993 Order”). These include the preparation of an Environmental Statement, a Designation Order describing the roads which are to become part of the trunk road network, and a Vesting Order to acquire the land to facilitate construction of the road. The Roads (Amendment) (Northern Ireland) Order 2004 made provision for all or any of the above proceedings (so far as practicable) to be progressed concurrently.
- 2.5.2 The documents published for statutory public consultation on 28th January and 4th February 2015 included:

Designation Order

- the proposal to make The Trunk Roads T1, T3 and T7 (York Street Interchange) Order (Northern Ireland) 2015 under Articles 14(1), 15(1), 16(1) and (2) and 68 of the Roads (Northern Ireland) Order 1993

Draft Vesting Order

- the proposal to make an order under article 113 of the Roads (Northern Ireland) Order 1993 and Schedule 6 to the Local Government Act (Northern Ireland) 1972 for the purpose of acquiring compulsorily the lands for the construction of a grade-separated junction at York Street to provide direct links between the Westlink and the M2 and M3 motorways.

Environmental Statement

- The Environmental Statement prepared by the Department for the proposal for the provision of a grade-separated junction at York Street to provide direct links between the Westlink and the M2 and M3 motorways together with opinions expressed in relation to it under the provision of Articles 67A and 130 of the Roads (Northern Ireland) Order 1993;

2.6 ENVIRONMENTAL STATEMENT

2.6.1 Part V of the 1993 Order¹ sets out the statutory requirements for assessment of environmental impacts of road schemes and requires the Department to determine, using the Annexes to EC Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by EC Council Directive 97/11/EC and Directive No. 2003/35/EC of the European Parliament and Council, whether or not a relevant project should be subject to an Environmental Impact Assessment, and to publish this determination. The Department determined that the Project fell within Annex II to the Directive and that an Environmental Statement should be prepared.

¹ Part V was substituted by the Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999, (S.R. 1999 No. 89) and amended by The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2007 (S.R. 2007 No. 346)

2.6.2 An Environmental Impact Assessment was carried out, and an Environmental Statement (ES) prepared, in accordance with Article 67² of the 1993 Order. Notice of the ES was published on 28 January and 4 February 2015 which saw a six week consultation period. This Statement is intended to meet the requirements of Article 67 A (7) and (8) of the 1993 Order.

2.6.3 The ES presents the findings of an environmental assessment of the scheme and describes the measures proposed to mitigate impact on the natural and built environment. The environmental assessment considers the impact in terms of nature conservation, landscape, cultural heritage, geology and soils, road drainage and the water environment, noise and vibration, air quality, effects on all travellers, and community and private assets. Having regard to the ES and the consultation responses to the ES, together with the recommendations of the Inspector summarized in Section 4, below, the Department is satisfied that the likely significant environmental effects of the proposed scheme have been assessed and have been sufficient to inform judgments to be reached with regard to the scheme.

2.6.4 The Department has taken into account the matters required to be taken into account by Article 67 A (7) of the 1993 Order, namely the ES and the opinions on that statement or the project, which is expressed in writing by the consultation bodies and others.

2.7 **HABITATS ASSESSMENT - APPROPRIATE ASSESSMENT**

2.7.1 Following completion of the Stage 1 “Screening for Appropriate Assessment”, a Statement to Inform the Appropriate Assessment (SIAA) was undertaken on behalf of the Department to assess the effects of the York Street Interchange Scheme on the integrity of the Belfast Lough Special Protection Area and the Belfast Lough Open Water Special Protection Area. The Screening Assessment determined that there was no likelihood of adverse effects upon the conservation objectives, structure and functioning of any other Natura 2000 sites around and beyond Northern Ireland.

2.7.2 A precautionary approach has been adopted to the Appropriate Assessment process, as required by EU law, and account has been taken of the view of the Court of Justice, that

² Article 67 was substituted by the Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 89) and amended by The Roads (Environmental Impact Assessment) Regulations (Northern Ireland) 2007 (S. R. 2007 No. 346)

where an Appropriate Assessment is required, consent for the scheme should only be granted if it is certain that the scheme would not, alone or in combination with other projects, have an adverse effect on the integrity of a SPA or SAC or prevent it from meeting its conservation objectives.

2.7.3 The SIAA concluded that with the inclusion of appropriate mitigation, it is considered that the scheme would not adversely affect the ecological integrity of the Belfast Lough Special Protection Area and the Belfast Lough Open Water Special Protection Area. NIEA - Natural Heritage (Conservation Designations and Protection Unit), who at that time were the National Competent Authority (now Department of Agriculture, Environment and Rural Affairs – Natural Environment Division), were consulted and confirmed that they were in agreement with the findings of the assessment. In the circumstances, the Department is satisfied that applying the above approach and for the reasons set out in the SIAA no reasonable scientific doubt exists with regard to the effect of the scheme on either Special Protection Areas.

2.7.4 Accordingly, in light of the Appropriate Assessment process undertaken and the information presented within the SIAA and the ES, the Department (as the Competent Authority) is content that the construction and operation of the York Street Interchange Scheme would not, by itself or in combination with other known plans or projects, adversely affect the integrity of the Belfast Lough Special Protection Area and the Belfast Lough Open Water Special Protection Area, or their ability to meet their conservation objectives.

2.8 **CONSULTATION, PUBLICATION OF NOTICES AND PUBLIC INQUIRIES**

2.8.1 In accordance with Schedules 5 and 8 to the 1993 Order and the Local Government Act (Northern Ireland) 1972, the Department placed Notices relating to the Environmental Statement, Intention to make a Designation Order and Intention to make a Vesting Order in the Belfast Gazette on 28th January 2015 and in the following newspapers during weeks commencing 26th January and 2nd February 2015.

- The Belfast Telegraph;
- The News Letter;

- The Irish News; and
- The North Belfast News.

2.8.2 All of the documentation related to the scheme, including the Environmental Statement, draft Designation Order and draft Vesting Order were also made available for inspection, free of charge, at all reasonable hours from 28th January 2015 – 10th March 2015 at the following locations:

- TransportNI Headquarters, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB
- TransportNI - Eastern Division Headquarters, Hydebank, 4 Hospital Road, Belfast BT8 8JL

These documents were also displayed on the project website (www.yorkstreetinterchange.com) and were circulated to relevant statutory and non-statutory consultees seeking their comments on the proposals.

2.8.3 The publication of the draft Orders and Environmental Statement commenced the consultation period for the scheme which ran until 10th March 2015.

2.8.4 The documents were made available at a Public Exhibition of the Proposed Scheme held on the 9th and 10th February 2015 at the Ramada Encore Hotel, Talbot Street, Belfast. The objective of the exhibition was to advise landowners and other interested parties of the detail of the scheme and its potential impact. Detail provided included the extent of land proposed to be vested, details of the roads and accesses to be stopped-up or altered to facilitate the construction of the scheme, and the conclusions of the Environmental Impact Assessment. Representatives from TransportNI and their consultants were present to answer questions and to provide assistance to members of the general public.

2.8.5 A total of 53 responses were received by TransportNI prior to the closing date and a further 6 were received after the closing date of 10th March 2015.

The subsequent public consultation report summarised the responses as 33 objections to the Proposed Scheme, 9 comments in favour of the Proposed Scheme and 17 responses which did not express a view either in favour or against. The 33 objections can be broken down as:

- 4 objections on the basis of cost and that there are other higher priority schemes on the A6 and A5;
- 20 objections on the basis of insufficient provision for non-motorised users and cyclists in particular;
- 3 objections (including petitions signed by 26 people) about the impact of the proposals on the local community and residents of Little Georges Street and Molyneaux Street;
- 3 objections by parties affected by the draft Vesting Order;
- 2 objections relating to the development of the proposed scheme; and
- 1 objection relating to the impact of construction.

2.8.6 On consideration of the responses submitted to TransportNI and because of the high profile nature of the Proposed Scheme, the Minister for Regional Development announced on 25th March 2015 his decision to hold a Public Inquiry.

2.8.7 The Department appointed Mr Jim Robb as Inspector to the Public Inquiry and Mr Jack Cargo as Assistant Inspector. A Pre-Inquiry meeting took place on Monday 5th October 2015, at which a number of administrative matters and other issues were discussed. The Inquiry opened on Tuesday 10th November 2015 and closed on Thursday 12th November 2015, lasting a total of 3 days. During the Inquiry, the Inspector requested a preliminary technical assessment on the impact of realigning the Westlink between North Queen's Street Bridge and York Street. This resulted in the production of 'The Westlink Realignment Assessment Summary' dated 20th November 2015.

2.8.8 Following the Inquiry, a site visit between the Inspector and objectors took place in the Little Georges Street area at the request of a number of objectors on Monday 16th November 2015.

2.8.9 The Inspector reported to the Department in January 2016. The Inspector's report is now available on the project website www.yorkstreetinterchange.com and may be examined, free of charge, at the following locations:

- TransportNI Headquarters, Room 2-13, Clarence Court, 10-18, Adelaide Street, Belfast BT2 8GB

- TransportNI Eastern Divisional Headquarters, Hydebank, 4 Hospital Road,
Belfast BT8 8JL

3. MAIN CONCLUSIONS AND RECOMMENDATIONS OF THE INSPECTOR'S REPORT

3.1 The Inspector made a series of recommendations within his report, set out under four main headings:

3.2 General (Ref. 8.1 in the Inspector's report)

“Having reviewed the evidence presented by the Department, the Consultants, Supporters, Objectors and others, both before, during and after the Inquiry and also having considered the detail contained in the Environmental Statement [ES] and other documentation, it is believed that the need to replace the existing York Street Junction Gyratory System in Belfast has been demonstrated.

It is therefore recommended that:

- The ES prepared by the Department containing the proposals for the provision of a grade-separated junction at York Street to provide direct links between the Westlink and the M2 and M3 under the provision of Articles 67A and 130 of the Roads (Northern Ireland) Order 1993, should be used as a the basis for taking the scheme forward through both the detailed design and eventual construction stages.
- The proposal to make The Trunk Roads T1, T3 and T7 (York Street Interchange) Order (Northern Ireland) 2015 under Articles 14(1), 15(1), 16(1) and (2) and 68 of the Roads (Northern Ireland) Order 1993 should be implemented.
- The proposal to make an order under article 113 of the Roads (Northern Ireland) Order 1993 and Schedule 6 to the Local Government Act (Northern Ireland) 1972 for the purpose of acquiring compulsorily the lands for the construction of a grade-separated junction at York Street to provide direct links between the Westlink and the M2 and M3 motorways should be implemented.
- The general recommendations set out immediately above are to be considered in conjunction with the additional recommendations set out below.”

Adjacent residential areas (Ref. 8.2 in the Inspector's report)**The specific recommendations are as follows:**

- Since the Strategic Advisory Group has already identified some mitigation measures to reduce the negative impacts of the Scheme, it should continue to meet as and when required until the completion of the York Street Interchange [YSI] project.
- An early agenda item should be the re-examination of the structure of the Group itself, with for example, the possible addition of a landscaping or architectural specialist to provide guidance and advice on the treatment of the bank behind the houses on Little George's Street and other aspects of the Scheme.
- It is considered important for the residents to have an active voice, both during the remainder of the design phase of the Scheme and throughout the construction process. It is recommended that TransportNI [TNI] should arrange a meeting in the York Street area with Mr O'Neill, Mr Hackett, Mrs Caughey, Mr Callan, Mrs Murphy and an appropriate representative from Belfast City Council.

The purpose of this meeting would be to;

- identify and agree an effective communications structure and procedure to keep the residents fully informed about the progress of the Scheme;
 - create an effective mechanism to enable residents to make suggestions about the Scheme and to raise concerns as and when they might arise.
- In collaboration with all the relevant stakeholders, including the local residents, TNI to identify and implement appropriate existing infrastructure adjustments to help to address the anti-social behaviour issues associated with the steps adjacent to North Queen Street Bridge. This work to be carried out as an integral part of the YSI project.

- It is virtually certain that the memorial to those who were killed in the bombing of McGurk's Bar in 1971 will have to be relocated because of the need to widen North Queen Street Bridge. TNI to work closely with the families of those who perished in order to ensure that the recreation of this very significant memorial is carried out in accordance with their wishes and expectations.
- TNI to conduct a further examination of the possible realignment of the road away from Little George's Street, to determine if an optimum solution can be identified and implemented as part of the Scheme. It is considered extremely important that the residential communities on both sides of the road are both consulted and informed about any proposed changes to the design, with the final decision on the way forward remaining with TNI. It should be noted that the Inspectors support this potential modification in principle.

3.4 **Community Liaison (Ref. 8.3 in the Inspector's report)**

- It is recommended that a high level of communication and liaison is maintained throughout the future detailed design and eventual construction phases with all individuals and organisations who would be affected by the proposed Scheme. Where applicable, every effort should be made to reach agreement on appropriate and acceptable measures to mitigate the impact of the project.

3.5 **Provision for cyclists (Ref. 8.4 in the Inspector's report)**

- Dialogue to continue between TNI and Sustrans in order to seek acceptable solutions to the outstanding issues.
- TNI to re-examine their proposals for the roads at the extremities of the Scheme to ensure that as far as possible the anticipated cycling and other infrastructure developments outside the footprint of the Scheme are taken into account within the YSI project.

- TNI to reassess the implications of both the new University and emerging DRD cycling strategies on the Scheme, as it is anticipated that this will transform the area around York Street beyond recognition
- TNI to investigate mitigation measures to provide a degree of protection to cyclists and pedestrians from wind and rain on the York Street Bridge.

4. DEPARTMENT'S COMMENTS ON THE INSPECTOR'S REPORT

4.1 Comments on the Inspector's Main Recommendations

The Department welcomes the Inspector's endorsement of the project and his comment that *"it is believed that the need to replace the existing York Street Junction Gyratory System in Belfast has been demonstrated"*.

The Inspector's recommendations that the Environmental Statement should be used as the basis for taking the scheme forward through both the detailed design and eventual construction stages, and that the Designation Order and Vesting Order for the scheme should both be implemented, is also welcomed.

The comments in this section refer directly to the Inspector's report and should be read together with the Inspector's considerations included in that report. In continuing to progress the scheme, the Department will take cognisance of both the Inspector's comments and recommendations.

The Department is satisfied, in the light of the Inspector's recommendations, the public interest in proceeding with the scheme is compelling and sufficient to justify proceeding to make a Vesting Order notwithstanding the impacts on private rights that will occur. The Department is therefore satisfied that vesting is proportionate and does not breach rights protected by the European Convention on Human Rights. The making of the Vesting Order will be delayed to align with the construction programme.

4.2 Comments on the Inspector's Specific Recommendations

For ease of reference, in this section the Inspector's specific comments and recommendations are followed by the Department's comments where appropriate in italics.

4.2.1 **Inspector's recommendation:**

- Since the Strategic Advisory Group has already identified some mitigation measures to reduce the negative impacts of the scheme, it should continue to meet as and when required until the completion of the YSI project. An early agenda item should be the re-examination of the structure of the Group itself, with for example, the possible addition of a landscaping or architectural specialist to provide guidance and advice on the treatment of the bank behind the houses on Little George's Street and other aspects of the Scheme.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendation.

4.2.2 **Inspector's recommendation:**

- It is considered important for the residents to have an active voice, both during the remainder of the design phase of the Scheme and throughout the construction process. It is recommended that TNI should arrange a meeting in the York Street area with Mr O'Neill, Mr Hackett, Mrs Caughey, Mr Callan, Mrs Murphy and an appropriate representative from Belfast City Council. The purpose of this meeting would be to;
 - identify and agree an effective communications structure and procedure to keep the residents fully informed about the progress of the Scheme;
 - create an effective mechanism to enable residents to make suggestions about the Scheme and to raise concerns as and when they might arise.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendation.

4.2.3 **Inspector's recommendation:**

- In collaboration with all the relevant stakeholders, including the local residents, TNI to identify and implement appropriate existing infrastructure adjustments to help to address the anti-social behaviour issues associated with the steps adjacent to North Queen Street Bridge. This work to be carried out as an integral part of the YSI project.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendation.

4.2.4 **Inspector's recommendation:**

- It is virtually certain that the memorial to those who were killed in the bombing of McGurk's Bar in 1971 will have to be relocated because of the need to widen North Queen Street Bridge. TNI to work closely with the families of those who perished in order to ensure that the recreation of this very significant memorial is carried out in accordance with their wishes and expectations.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendation.

4.2.5 **Inspector's recommendation:**

- TNI to conduct a further examination of the possible realignment of the road away from Little George's Street, to determine if an optimum solution can be identified and implemented as part of the Scheme. It is considered extremely important that the residential communities on both sides of the road are both consulted and informed about any proposed changes to the design, with the final decision on the way forward remaining with TNI. It should be noted that the Inspectors support this potential modification in principle.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations. Any proposed solution will be considered in terms of engineering, environmental, economic and social impacts and will include appropriate consultation with local communities.

4.2.6 **Inspector's recommendation:**

- It is recommended that a high level of communication and liaison is maintained throughout the future detailed design and eventual construction phases with all individuals and organisations who would be affected by the proposed Scheme. Where applicable, every effort should be made to reach agreement on appropriate and acceptable measures to mitigate the impact of the project.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendation.

4.2.7 **Inspector's recommendation:**

- Dialogue to continue between TNI and Sustrans in order to seek acceptable solutions to the outstanding issues.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendation.

4.2.8 **Inspector's recommendation:**

- TNI to re-examine their proposals for the roads at the extremities of the Scheme to ensure that as far as possible the anticipated cycling and other infrastructure developments outside the footprint of the Scheme are taken into account within the YSI project.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendation.

4.2.9 **Inspector's recommendation:**

- TNI to reassess the implications of both the new University and emerging DRD cycling strategies on the Scheme, as it is anticipated that this will transform the area around York Street beyond recognition

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendation.

4.2.10 Inspector's recommendation:

- TNI to investigate mitigation measures to provide a degree of protection to cyclists and pedestrians from wind and rain on the York Street Bridge.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendation.

4.3 Comments on Supporters' Comments

4.3.1 SU01 Norma Ingram

Inspector's comments:

- The opinions expressed by the Supporter and the TNI responses set out above have been noted.

The Department acknowledges the Inspector's comments.

4.3.2 SU02 Ian James Parsley, Ultonia Communications

Inspector's comments:

- The opinions expressed by the Supporter and the TNI responses set out above have been noted.

The Department acknowledges the Inspector's comments.

4.3.3 SU03 William Mateer

Inspector's comments:

- The opinions expressed by the Supporter and the TNI responses set out above have been noted.

The Department acknowledges the Inspector's comments.

4.3.4 **SU04** **Conor Mulligan, Lagan Homes Ltd**

Inspector's comments:

- The opinions expressed by the Supporter and the TNI responses set out above have been noted.

The Department acknowledges the Inspector's comments.

4.3.5 **SU05** **Andrew McKeever**

Inspector's comments:

- The opinions expressed by the Supporter and the TNI responses set out above have been noted.

The Department acknowledges the Inspector's comments.

4.3.6 **SU06** **Andrew Crothers**

Inspector's comments:

- The opinions expressed by the Supporter and the TNI responses set out above have been noted.

The Department acknowledges the Inspector's comments.

4.3.7 **SU07** **Seamus Leheny, Freight Transport Association (FTA)**

Inspector's comments:

- The points made by Mr Leheny in his presentation supporting the proposed scheme have been noted.
- It is clear that a degree of disruption to traffic flows would be inevitable during such a major alteration to the existing road network in the York Street area. This being the case it would be important for the FTA to be involved in the formulation of the essential Traffic Management Plan and to be informed in advance of any changes to all agreed arrangements.

Inspector's recommendations

- FTA to be fully involved in the formulation of the Traffic Management Plan to be implemented during the construction phase of the Scheme.
- An appropriate information system to be established by TNI to advise FTA Operators of access, parking and other relevant arrangements to be applied during the construction phase.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.3.8 **SU08 Arthur Murphy, P&O Ferries**

Inspector's comments:

- The opinions expressed by the Supporter and the TNI responses set out above have been noted.

The Department acknowledges the Inspector's comments.

4.3.9 **SU09 Bernard Clarke, Translink**

Inspector's comments:

- The opinions expressed by the Supporter and the TNI responses set out above have been noted.

Inspector's recommendations

- TNI to work with Translink in order to develop suitable temporary traffic management arrangements and appropriate traffic and travel advice, both before and during the construction of the proposed scheme.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendation.

4.4 **Comments on Individual Objections**

4.4.1 **OBJ01 Cormac Duffy**

Inspector's comments:

- The concerns of the Objector and the TNI written responses set out above have been noted.

The Department acknowledges the Inspector's comments.

4.4.2 **OBJ02 Conor Duffy**

Inspector's comments:

- The concerns of the Objector and the TNI written responses set out above have been noted.

The Department acknowledges the Inspector's comments .

4.4.3 **OBJ03 Fergal Barr**

Inspector's comments:

- The concerns of the Objector and the TNI written responses set out above have been noted.

The Department acknowledges the Inspector's comments.

4.4.4 **OBJ04 Matt Concannon**

Inspector's comments:

- The concerns of the Objector and the TNI written responses set out above have been noted.

The Department acknowledges the Inspector's comments.

4.4.5 **OBJ05 Atkins Global (On behalf of Vodafone)**

Inspector's comments:

- The objections from Atkins Global (On behalf of Vodafone) were withdrawn prior to the start of the Inquiry.

The Department acknowledges the Inspector's comments.

4.4.6 **OBJ06 Paul O'Neill (Ashton Community Trust)**

Inspector's comments and recommendations:

- See Section 7.5 – Inspector's Considerations – Impact of the Proposed Scheme on Adjacent Residential Areas.
- See Section 8.2 – Inspector's Recommendations – Impact of the Proposed Scheme on Adjacent Residential Areas

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.7 **OBJ07 Paschal Lynch**

Inspector's comments:

- Mr Lynch's proposed scheme offers a simple approach to addressing the problems and issues that make up the York Street Interchange bottleneck.

However when more scrutiny is applied it becomes clear that it cannot provide a solution to the many interconnecting problems that need to be solved.

The TNI responses provide evidence explaining clearly how the objectives of the Scheme are not addressed satisfactorily and how the claimed benefits cannot be realised. We are satisfied that the case has not been made to undertake any trial of the scheme or to undertake a more detailed analysis of the proposal.

Whilst we thank Mr Lynch for the substantial work which he has undertaken in developing the proposed scheme, we see no merit in it as a solution to the bottleneck on the Strategic Network at the Westlink/York Street/M2/M3 Junction.

The Department acknowledges the Inspector's comments.

4.4.8 **OBJ08 Borghert Borghmans**

Inspector's comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 – Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 – Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.9 **OBJ09 Stephen O'Kane**

Inspector's comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 – Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 – Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.10 OBJ10 Kimberley Reynolds

Inspector's comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 – Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 – Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.11 OBJ11 David McKeever

Inspector's comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 – Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 – Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.12 OBJ12 Emer Bussman

Inspector's comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 – Inspector's Considerations -Provision for Cyclists.

- See Section 8.4 – Inspector’s Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector’s comments and will progress the project in line with the recommendations.

4.4.13 **OBJ13 David Hembrow**

Inspector’s comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 – Inspector’s Considerations -Provision for Cyclists.
- See Section 8.4 – Inspector’s Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector’s comments and will progress the project in line with the recommendations.

4.4.14 **OBJ14 Greg Keefe**

Inspector’s comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 – Inspector’s Considerations -Provision for Cyclists.
- See Section 8.4 – Inspector’s Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector’s comments and will progress the project in line with the recommendations.

4.4.15 **OBJ15 Niamh Collins**

Inspector’s comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.

- See Section 7.6 - Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 - Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.16 OBJ16 Chris Murphy

Inspector's comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 - Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 - Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.17 OBJ17 Colin McDowell (On behalf of Jack Kirk Garage)

Inspector's comments:

- The concerns of the Objectors and the TNI responses set out above have been noted

The Department acknowledges the Inspector's comments.

4.4.18 OBJ18 Colette McKernan/Brendan McKernan, Focus Security Solutions

Inspector's comments:

- The concerns of the Objectors and the TNI responses set out above have been noted

The Department acknowledges the Inspector's comments.

4.4.19 **OBJ19 Michael Greene**

Inspector's comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 - Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 - Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.20 **OBJ20 Mick Carragher**

Inspector's comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 - Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 - Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.21 **OBJ21 Andrew Fleming**

Inspector's comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 - Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 - Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.22 OBJ22 Paul Easton

Inspector's comments:

- The concerns of the Objectors and the TNI responses set out above have been noted

The Department acknowledges the Inspector's comments.

4.4.23 OBJ23 Mark Hackett

Inspector's comments:

- The concerns of the Objector and the TNI written and verbal responses set out above have been noted. Mr Hackett has had considerable involvement with the Scheme development and had the opportunity to submit his ideas on many occasions. The proposed Scheme reflects his contributions and several of his ideas are included in the project under consideration at the Inquiry. The York Street Interchange is a complex junction with numerous discrete traffic movements and the development of the proposed grade separated Scheme has been undertaken within a particularly restricted site. Although the proposal to take the Westlink to M3 traffic movement out of the grade separation would offer greater freedom for the design of the remaining links, it cannot be achieved while maintaining acceptable engineering standards. In addition pedestrians, cyclists and public transport are not adequately provided for in the alternative proposal. Mr Hackett has made a number of changes to his proposal in response to identified deficiencies but we conclude that although further amendments may be possible, these would be insufficient to overcome the major deficiencies that remain with his proposal as submitted to the Inquiry. We do not accept that Mr Hackett has demonstrated that a viable option exists. We believe that there is no merit in carrying out further assessment or design work and therefore make no

recommendations on progressing his alternative proposal. It was noted that Mr Hackett has taken a close interest in the possible impacts of the proposed Scheme on adjacent residential areas. His main contribution at the Inquiry in support of individual speakers can be found in IP66 (Mrs Brenda Murphy). Our comments regarding the impact of the Scheme on the residents of Little George Street are included under Section 7.5 and our recommendations under Section 8.2

The Department acknowledges the Inspector's comments.

4.4.24 **OBJ24 Garth Boyd/Karen Smith, Trouw Nutrition**

Inspector's comments:

- The concerns of the Objectors, the TNI responses set out above, together with the subsequent discussions at the Inquiry have been noted.

Inspector's recommendations:

- TNI and the Contractor to have consultations with Trouw Nutrition in order to ensure that appropriate access to the premises is provided at all times throughout the construction phase of the Scheme.
- TNI to work with Trouw Nutrition in order to resolve the land ownership record issue.
- As vibration of their weighbridge is a potential sensitivity issue for Trouw Nutrition, a Method Statement to be produced by the Contractors as part of the detailed design process defining the proposed method of working. Vibration monitoring equipment to be provided during the construction phase and remedial action taken to address any adverse vibration issues caused by the Contractor if required.
- TNI to contact the DOE in order to advise them of the upcoming works and possible implications for their weighbridge facility

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.25 OBJ25 Residents of Little George's Street & Molyneaux Street

Inspector's comments and recommendations:

- See Section 7.5 – Inspector s' Considerations – Impact of the Proposed Scheme on Adjacent Residential Areas.
- See Section 8.2 - Inspector's Recommendations – Impact of the Proposed Scheme on Adjacent Residential Areas.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.26 OBJ26 Roy White

Inspector's comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 - Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 - Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.27 OBJ27 Andrew Thompson

Inspector's comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 - Inspector's Considerations -Provision for Cyclists.

- See Section 8.4 - Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.28 **OBJ28 Oonagh McSorley**

Inspector's comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 - Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 - Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.29 **OBJ29 John Murphy**

Inspector's comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 - Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 - Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.30 **OBJ30 John Ferguson**

Inspector's comments and recommendations:

- The concerns of the Objector and the TNI written responses set out above have been noted.
- See Section 7.6 - Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 - Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.31 **OBJ31 Arthur Acheson**

Inspector's comments:

- The concerns of the Objector, the alternative solutions proposed and the TNI responses set out above have been noted. Whilst a modal shift to much greater use of public transport is an interesting concept, it falls outside the scope of the York Street Interchange Inquiry. This being the case, it would be more appropriate for Mr Acheson to make representations to the Minister for Regional Development

The Department acknowledges the Inspector's comments.

4.4.32 **OBJ32 Gordon Clarke, Sustrans**

Inspector's comments and recommendations:

- The concerns of the Objector recorded above, the TNI responses and the detailed information presented and discussed at the Inquiry have been noted.
- See Section 7.6 - Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 - Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.4.33 **OBJ33 Jonathan Hobbs, NI Greenways**

Inspector's comments and recommendations:

- The concerns of the Objector recorded above, the TNI responses and the detailed information presented and discussed at the Inquiry have been noted.
- See Section 7.6 - Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 - Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.5 **Response to Comments received during the Consultation**

A total of 17 comments were received by the closing date of 10th March 2015. Of the 17 comments received, the Inspector has specifically addressed eight. The Inspector's comments, and Departmental responses, are provided below:

4.5.1 **COM01 Wesley Johnson**

Inspector's comments and recommendations:

- The comments set out above and the TNI responses have been noted.
- See Section 7.6 - Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 - Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.5.2 **COM03A & B Brian Gaffney (Savills NI Ltd) presented by Mr Richard Agus, Director, MRA Partnership**

Inspector's comments:

- It is understood and accepted that discussions to finalise accommodation works associated with roads schemes normally occur at an advanced stage, when the project has moved to the point where detailed construction planning is taking place. However, in the case of Cityside Retail Park the issues are more complex, in that the potential reduction in parking spaces and the temporary closure of an access to the site could lead to the situation where Cityside could find itself in breach of previously imposed mandatory requirements defined by other Government Agencies, through no fault of its own. In this situation, it is believed that discussions should continue at this time with the objective of resolving the outstanding issues. However, Mr Agus should understand that detailed construction planning might reveal issues which are not apparent at this time and this could mean further changes to the proposals at some stage in the future. Whilst Mr Spiers said he was not in a position to give a commitment to provide temporary signage to the Cityside Retail Park during the construction phase of the Scheme, the request for this to be provided appears to have merit.

Inspector's recommendations

- Discussion between Mr Agus, TNI and other interested parties to continue with the aim of clarifying and resolving the issues surrounding the loss of car park spaces and the need to create an access onto North Queen Street.
- Discussions to continue between Mr Agus and TNI to clarify and resolve the issue of access to York Street being closed during phase 9 of the scheme.
- TNI to give further sympathetic consideration to providing temporary signage to Cityside Retail Park from both the Strategic Road Network and for pedestrians during the construction phase of the scheme

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.5.3 **COM10 Bruce Harper**

Inspector's comments and recommendations:

- The comments set out above and the TNI responses have been noted.
- See Section 7.6 - Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 - Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.5.4 **COM11 John McCorry (North Belfast Partnership)**

Inspector's comments:

- It is clear from the correspondence between the North Belfast Partnership (NBP) and TNI, that Mr McCorry and his colleagues support the TNI YSI Scheme proposals in general terms. At the same time they expressed some concerns and made a number of positive suggestions which they believed would lead to an overall improvement in the project if implemented.
- Special mention was made of the need for creative and visually attractive solutions to enhance the appearance for pedestrians, with particular reference to the proposed York Street bridge. NBP suggested that funding should be set aside to soften any harsh physical infrastructure using quality materials and environmental enhancements. Places to stop and shelter should be
- provided on the bridge and the Scheme should be designed to integrate with the new University of Ulster Campus.
- This issue was also explored at the Inquiry as part of the evidence submitted by Belfast City Council (COM12).
- It is noted that NBP would welcome regular feedback concerning the work of the Strategic Advisory Group [SAG] looking at the finishes and aesthetics of the Scheme and also the opportunity to meet SAG representatives collectively. Perhaps there is a case for the NBP to be enrolled as members of this group.

- NBP suggested that local input to the uptake and implementation of the project social clauses would be advantageous
- For the discussions on the provision for cyclists, see Sustrans, OBJ32.
- Considerations of the impact on residential areas such as Little George's Street are set out in Section 7.5 - 'Impact of The Proposed Scheme on Adjacent Residential Areas' and recommendations connected with the same areas are shown in 8.2 - Residential Areas'.

Inspector's recommendations

- TNI to discuss with NBP the possibility their becoming members of the SAG. Should this not occur, then TNI to arrange for NBP to receive regular updates on the activities and recommendations made by the SAG.
- TNI to investigate local input to the uptake and implementation of the project social clauses

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.5.5 COM12 Belfast City Council

Inspector's comments

- It was apparent from both the initial correspondence between TNI and the Council and the clear and concise presentations made by the Council Representatives at the Inquiry, that with a few caveats, BCC has been and remains supportive of the proposed YSI Interchange project.
- The importance of the work being carried out by the relatively recently formed SAG also emerged as a major positive step forward, as a number of diverse stakeholders have now become involved in the project, who have made significant contributions in terms of improvements to the overall design of the project.

- However, whilst useful work had been carried in considering issues such as aesthetics, design, linkages and connections, the treatment of surplus land, etc., there appeared to be an undercurrent of uncertainty as to whether TNI would commit to implementing the recommendations of the SAG. Whilst it is accepted that Scheme costs must be controlled and that all final decisions must be made by TNI, it is to be hoped that every effort would be made to find the means and necessary resources to incorporate any proposed changes and improvements identified and supported by a majority within the group.
- With regards to the operational phase, the Environmental Protection Unit requested that once the scheme is operational, a verification report be conducted to confirm/inform initial predictions as to whether or not any properties identified within the study area meet eligibility criteria under the Noise Insulation Regulations (Northern Ireland) 1995 and that it also demonstrates liaison with the Department of the Environment, identifying any required noise actions arising out of duties under the Environmental Noise Directive. The Council also requested that they are consulted regarding the procedures for managing noise and vibration during construction, including a protocol for compliance monitoring as would be documented in the Contractor's CEMP. With regard to contaminated land, it was noted that the Council had contacted URS on 14th October 2015 in order to seek further clarification on the risk of mobilising asbestos to the atmosphere, its control and also details of former land uses within the site. Whilst BCC have had response on these points from TNI, they had not had time to incorporate them as part of their contribution at the Inquiry.
- The Council also notes TNI/URS's intention to generate a hydrogeological model in order to determine the likely impact of deep engineering structures on the surrounding water table. Changes to this water table may have implications for contaminant mobilisation, ground gas generation and contaminant transport to offsite receptors. However, the Council is broadly satisfied with the TransportNI's management strategy towards ground contamination and towards the mitigation of risk posed by contaminated land. The Council anticipates that additional analytical data and modelling will help to refine the conceptual site model for the development but it is

recommended that adjacent residents and site workers' safety should continue to be a primary consideration.

Inspector's recommendations

- TNI (and in due course, the Contractor) to liaise closely with BCC throughout the remainder of the design phase and throughout the construction stage, to ensure that issues are identified and addressed as quickly and efficiently as possible.
- TNI to make every effort to find the means and the necessary resources to incorporate any proposed changes and improvements identified and supported by a majority within the Strategic Advisory Group into the Scheme.
- TNI to investigate the possibility of upgrading the basic paving material and finishes to high quality public realm features that would link to the planned Phase 3 Streets Ahead initiative.
- TNI to incorporate high quality landscaping as part of the Scheme through a comprehensive streetscaping programme.
- Subject to the scheme proceeding, TNI to prepare an operational phase Verification Report to confirm / inform Noise Insulation Regulations (Northern Ireland) 1995 eligibility and identify any actions arising out of duties under the Environmental Noise Directive.
- TNI to continue to liaise with the Council regarding the procedures for managing noise and vibration during construction.
- TNI to continue to liaise with the Council regarding future analytical results of any made ground and hydrogeological groundwater monitoring.
- TNI to generate a hydrogeological model in order to determine the likely impact of deep engineering structures on the surrounding water table.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.5.6 **COM13 Gary Benson**

Inspector's comments and recommendations:

- The comments set out above and the TNI responses have been noted.
- See Section 7.6 - Inspector's Considerations -Provision for Cyclists.
- See Section 8.4 - Inspector's Recommendations - Provision for Cyclists.

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.5.7 **COM14 Geraldine Duggan (Belfast City Centre Management Company)**

Inspector's comments:

- It was noted that the Belfast City Centre Management Company (BCCM) submitted a document to TNI commenting on several aspects of the proposed YSI Scheme. They had some concerns and made recommendations, most of which were also raised by other individuals and organisations both before and during the public phase of the Inquiry.
- These included:
 - Better provision to be made for pedestrians and cyclists.
 - Concerns about the potential disruption to traffic during the construction phase.
 - Consideration within the project of the impact of the new University campus and the development of City Quays.
 - The opportunity to create new green space within the project and
 - The provision of innovative public art and lighting as part of the Scheme.
- Since these issues are covered elsewhere in this Report, BCCM are advised to see in particular the sections relating to:

- Sustrans (OBJ32), together with Sections 7.6 and 8.4.
- Belfast City Council (COM12)

The Department acknowledges the Inspector's comments and will progress the project in line with the associated recommendations.

4.5.8 **COM15 Brian Mullan, Antrim Road Regeneration Committee**

Inspector's comments:

- The Antrim Road Regeneration Committee (ARRC) submitted a wide ranging document to TNI commenting on various aspects of the proposed Scheme. In addition to expressing generalised support for the project, they also raised some concerns and made recommendations, many of which were also made by other individuals and organisations both before and during the public phase of the Inquiry. These included:
 - The impact of the Scheme on the local residential and surrounding communities.
 - Better provision for pedestrians and cyclists.
 - The need for better communications with local people.
 - The need to engage with other stakeholders and
 - Consideration of the impact of the new University campus.
- Since these issues are covered elsewhere in this Report, ARRC are advised to see in particular the sections relating to;
 - Sustrans (OBJ32), together with Sections 7.6 and 8.4.
 - Belfast City Council (COM12)
 - Section 8.2 - Inspector's Recommendations - Adjacent Residential Areas.
 - Section 8.3 - Inspector's Recommendations - Community Liaison.

The Department acknowledges the Inspector's comments and will progress the project in line with the associated recommendations.

4.6 **Response to Comments from Interested Parties**

A total of 7 objections/comments were received following the closing date of 10th March 2015 from interested parties. The objections/comments which the Inspector has specifically addressed are provided below.

4.6.1 **IP62 Brendan Callan**

Inspector's comments and recommendations:

- See Section 7.5 - Inspector's Considerations – Impact of the Proposed Scheme on Adjacent Residential Areas
- See Section 8.2 – Inspector's Recommendations – Impact of the Proposed Scheme on Adjacent Residential Areas

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

4.6.2 **IP64 John Wright**

Inspector's comments:

- Mr Wright made a lengthy presentation at the very end of Day 2 of the Inquiry. Unfortunately, the vast majority of what he had to say referred to issues which were not within the scope of the Inquiry such as Government Transport Policy, the use of park-and-ride facilities, Belfast City Airport, the proposed A5 Scheme, the closure of local railways, the cost of a car dependent society, the cost of congestion, better public transport facilities, etc. This being the case most of the detail which was presented has not be recorded in this Report. However, when commenting on the Scheme he suggested that communications with property owners and others could have been better and comments and

recommendations on this point are to be found in Sections 7 and 8 of this document. Mr Wright proposed that rather than having a very high cost free flow, expensive Interchange TNI should have been looking at a lower cost alternative, particularly since we were living in very economically constrained times. He proposed an at-grade solution which would control traffic speed to 40mph on the Westlink using the existing gantries, so that by the time it reached York Street it would not have to stop at all. There was also the possibility of constructing a low cost bridge, very much like the proposed York Street Bridge and that would be a way of removing the need for traffic signals. However, Mr Wright was of the opinion that low cost alternatives were not being treated seriously by the Department. He suggested that a speed limit would add to the safety and furthermore freight should be prioritised to reach the Harbour.

Responding on behalf of TNI, Mr McGuinness said they did not accept what had been suggested by Mr Wright in relation to gantries and speeds. He added that the Department was taking forward a robust, sustainable and appropriate transport policy and added that in any event, policy considerations were not within the scope of this particular Inquiry.

The Departments acknowledges the Inspector's comments.

4.6.3 **IP66 Brenda Murphy**

Inspector's comments and recommendations:

- See Section 7.5 - Inspector's Considerations – Impact of the Proposed Scheme on Adjacent Residential Areas
- See Section 8.2 – Inspector's Recommendations – Impact of the Proposed Scheme on Adjacent Residential Areas

The Department acknowledges the Inspector's comments and will progress the project in line with the recommendations.

5. MEASURES TO MITIGATE ADVERSE EFFECTS

- 5.1 As part of the Environmental Impact Assessment (EIA) and design process, a range of mitigation and enhancement measures have been identified to avoid, offset or reduce adverse impacts associated with the Proposed Scheme.
- 5.2 As described throughout each of the technical chapters (Chapters 8 to 17) within the January 2015 Environmental Statement, there are instances where environmental impacts associated with the Proposed Scheme may be of such a magnitude as to warrant mitigation measures. These measures are deemed necessary to minimise environmental impacts during the construction, operation and/or maintenance phases of the Proposed Scheme.
- 5.3 This Section provides a summary of the overall committed mitigation measures contained within the Environmental Statement, though reference should be made to individual chapters of the Environmental Statement for more detail and further explanation. This Section also provides an account (in *bold italics*) of additional mitigation and enhancement measures from the Inspector's Report.
- 5.4 Sub-Section 18.5 (Schedule of Environmental Commitments) within Chapter 18 of the Environmental Statement provides a collective summary of the proposed mitigation measures to ensure compliance during and beyond the construction contract period. As a prescriptive part of the construction and maintenance contract requirements, this schedule sets out responsibilities to ensure that measures are not only implemented, but monitored and inspected to ensure effective implementation on-site and that all measures are correctly adhered to.
- 5.5 As described in the Schedule of Environmental Commitments, there may be a requirement for additional consultation to be carried out during the contract period (i.e. with statutory bodies and other interested/affected parties). Consequently, there would be potential for revision to the proposed mitigation measures as the design progresses; however, these would be in agreement between the Department, the appointed Contractor, and interested/affected parties.

- 5.6 The Schedule of Environmental Commitments also forms the Register of Environmental Actions and Commitments (REAC) contained within the outline Environmental Management Plan (EMP) for the Proposed Scheme (which is included in Volume 2: Appendix 4 of the Environmental Statement). The EMP provides the framework for recording environmental risks, commitments and other environmental constraints, and clearly identifies the structures and processes that will be used to manage and control these aspects. The EMP also seeks to ensure compliance with relevant environmental legislation, government policy objectives and scheme-specific environmental objectives. It also provides the mechanism for monitoring, reviewing and auditing environmental performance and compliance.
- 5.7 The EMP forms an outline plan and is closely aligned with the design and assessment process contained within the Environmental Statement. This shall be further refined and expanded by the appointed Contractor into a Construction Environmental Management Plan (CEMP) as more information becomes available and there is more certainty in terms of the proposed layout, construction methods, programme and/or the likely environmental effects.
- 5.8 Towards the end of the construction phase, the CEMP shall be further refined by the appointed Contractor into a Handover Environmental Management Plan (HEMP), which shall contain essential environmental information required by the bodies responsible for the future maintenance and operation of the asset.
- 5.9 With this purpose in mind, it therefore follows that the outline EMP for the Proposed Scheme should be treated as a ‘live’ document throughout the project lifecycle, requiring regular review and update as necessary.
- 5.10 **Air Quality (Chapter 8 of the Environmental Statement)**
- 5.10.1 A Dust Minimisation Plan to be prepared as part of the CEMP to include dampening of haul roads and stockpiles; keeping roads clean and using covers over construction lorry trailer units; location of stockpiles and dust generating activities away from sensitive receptors (this list is not exhaustive).
- 5.10.2 An Air Quality Management Plan to be prepared as part of the CEMP, to include (where reasonable) selection of plant and vehicles to minimise exhaust emission levels and be well maintained. Traffic movements to be minimised throughout the site, limiting the

use of public roads to essential movements only. Location of construction plant away from site boundaries, which are close to sensitive receptors. Effective waste management to avoid potential odour nuisance (this list is not exhaustive).

5.10.3 These mitigation measures would be implemented in advance of and concurrent with construction, and would be monitored to ensure compliance with requirements and standards. Consultation with Belfast City Council's Environmental Protection Unit regarding the operational and construction plans for the Proposed Scheme would continue as necessary.

5.11 **Cultural Heritage (Chapter 9 of the Environmental Statement)**

5.11.1 A sample-based mechanical or hand-excavated trench or test pit based investigation would record the character of archaeological remains within the land take required for the Proposed Scheme, including within the limits of the vesting boundary. Targeted investigations may also be appropriate where remains have been identified through non-intrusive survey (such as walkover survey) or where there is the potential for archaeological remains to be discovered. The results of these intrusive trenching or test pit works would inform decision making on further mitigation recording that may be appropriate.

5.11.2 Detailed excavation would be undertaken where significant archaeological remains are either known previously or discovered during the course of the works. This may be targeted at specific area locations, or a sample range of locations (e.g. test pits or specific investigation trenches).

5.11.3 A programme of sample recovery and analysis undertaken to investigate palaeo-environmental conditions and soil sediment development that may be relevant to the research of archaeological remains recovered within the vicinity. Achieved through trial pit excavations or other geotechnical soil sample retrieval methods (such as soil cores or boreholes).

5.11.4 A programme of observation, investigation and recording of archaeological remains during or alongside construction earthwork activities, in specific areas where the presence of moderate potential remains has been demonstrated, but where detailed investigation prior to the main construction programme is unjustified, unfeasible due to safety or logistical considerations, or undesirable due to environmental or engineering

constraints. Under Targeted Watching Brief, as opposed to General Watching Brief, the contractor's preferred method of working would be controlled as necessary to allow archaeological recording to take place to the required standard.

5.11.5 A programme of observation, investigation and recording during construction activities where remains have not been identified by assessment and evaluation studies, but where there remains a residual risk of archaeological discoveries. In this case, the contractor's preferred method of working would not be controlled for archaeological purposes, but access for recording any discovered archaeology would be provided.

5.12 **Ecology & Nature Conservation (Chapter 10 of the Environmental Statement)**

5.12.1 The Contractor would appoint an Ecological Clerk of Works (ECoW). A Habitat Management Plan would also be prepared as part of the CEMP, outlining how natural habitats would be managed through the construction and operation phases of the Proposed Scheme. The Contractor would be made aware of the Department's duty to further the conservation of biodiversity in accordance with the requirements of Article 1 of The Wildlife and Natural Environment Act (Northern Ireland) 2011, and would be required to act accordingly in respect of this.

5.12.2 The ECoW would ensure that a suite of pre-construction ecological surveys is undertaken in the appropriate field season immediately prior to scheme construction. All vegetation clearance works should take place ideally during the winter months (September to February) to avoid key breeding periods. Any vegetation clearance work undertaken between March and August would have the specific approval of the ECoW to ensure that no ecological constraints exist.

5.12.3 A CEMP to be produced by the appointed Contractor, which would address likely sources of pollution and sedimentation which could potentially reach Belfast Harbour and onward into Belfast Lough. Construction methods (e.g. using full cut-off diaphragm walls) to prevent lateral movement of groundwater towards Belfast Harbour and prevent any leaching of dissolved contaminants reaching Belfast Lough through newly established pathways. A Pollution Incident Response Plan would also need to be put in place.

5.12.4 The overall landscape planting objectives would attempt to mitigate and compensate for the mosaic of semi-natural and artificial habitats to be lost as part of the scheme (i.e.

incorporate existing trees where possible, especially where mature specimens occur; enhance the ecological interest through the creation of natural habitat with new planted areas and screen planting comprising trees and shrubs between link roads; maximise the number of native tree, shrub and plant species in new planted areas; provide food for insects, birds and animals (these would include nectar-rich, berry-bearing and seed-bearing plants), incorporate street trees into design of appropriate streetscapes).

5.12.5 The ECoW would undertake further pre-construction surveys to identify locations of any non-native invasive species, ensure that mitigation measures are carried out where required, and an Invasive Species Management Plan is developed. Great care would be taken when working close to the identified area of invasive species to prevent the spread of live plants or viable seeds, as per the requirements of Article 15 of the Wildlife (Northern Ireland) Order 1985 [as amended]. To enhance specific areas of the site, invasive species (in this case, Japanese knotweed) would be treated and managed. This would encourage the natural flora to flourish.

5.12.6 The ECoW would undertake pre-construction surveys on any semi-mature / mature trees to be felled and assess them for the likelihood of bat presence. Bat boxes for roosting pipistrelle bats would be provided at a suitable location around North Queen Street Bridge and the new Dock Street Overbridge. A variety of bird boxes would be provided around the site, in any relatively quiet areas. A suitably experienced ecologist would advise on the exact type and positioning of the boxes. Planted areas would be used to replace the large areas of bare ground and brownfield, to provide locations for birds to forage. Insect-friendly features would be considered, and incorporated where feasible, such as log piles and insect boxes.

5.13 **Landscape Effects (Chapter 11 of the Environmental Statement)**

5.13.1 The embankments behind the side/back gardens of North Queen Street and Little George's Street properties which back onto the Proposed Scheme would be potentially re-planted (where feasible and subject to detailed design). The small pocket of open space at Molyneux Street would also be re-planted. Generally, planting would be replaced on the embankments and road edges, creating several new blocks of mixed tree and shrub planting, and acting to partially screen the development; it may also assist wildlife habitat creation and the softscape would offer an informal drainage sink. The potential extent of planting may be limited by required service strips.

- 5.13.2 Corporation Street and Garmoyle Street would be potentially planted with street trees on a grass verge, to the west of the existing pedestrian path.
- 5.13.3 Great George's Street (eastern portion) would be potentially planted (where feasible and subject to detailed design) with street trees on both sides. The scheme would narrow the road and widen the southern path to facilitate improved public realm.
- 5.13.4 Appropriate screening would be provided where possible (i.e. where road links would have a visual impact on adjacent properties or views). In selected locations where the visual impact is significant, immediate temporary screening would be required (if feasible).
- 5.13.5 Proposed acoustic barriers along Westlink in the vicinity of North Queen Street Bridge would be sensitively located (if feasible) and designed to limit any potential visual and landscape impact and reduce potential for over-shadowing on residential receptors. The boundary treatments for the scheme would be sensitive to the character of the area; this is particularly important in the case of proposed retaining walls.
- 5.13.6 Integration of parapets into the structure of overbridges and other structures to create the impression of one simple structure. The overbridges would be designed to allow the road corridors and cityscape to flow under the structures, in order to minimise its visual prominence (i.e. consideration would be given in the detailed design to minimise and strategically-locate the bridge piers).
- 5.13.7 Proposed enhancement lighting to the underbridges.
- 5.13.8 *As outlined within Section 3.3 of this Statement, the Inspector has recommended that the Strategic Advisory Group continues to meet as and when required until completion of the project. An early agenda item should be the re-examination of the structure of the Group itself; with for example, the possible addition of a landscaping or architectural specialist to provide guidance and advice on the treatment of the bank behind the houses on Little George's Street and other aspects of the Scheme (as listed below):*
- *identify and implement appropriate existing infrastructure adjustments to help improve the treatment and aesthetics of underpasses and the steps adjacent to North Queen Street Bridge;*

- *investigate the possibility of upgrading the basic paving material and finishes to high quality public realm features that would link to the planned Phase 3 Streets Ahead initiative; and*
- *incorporate high quality landscaping as part of the Proposed Scheme through a comprehensive streetscaping programme.*

5.13.9 *As outlined within Section 4.2 of this Statement, the Department acknowledges the Inspector's comments with regards to this and will progress the project in line with the recommendations. The Department will make every effort to find the means and the necessary resources to incorporate any proposed changes and improvements identified and supported by a majority within the Strategic Advisory Group into the Scheme.*

5.13.10 As detailed in Sub-Section 11.7.1.3 (Potential Future Enhancement Measures) of the Environmental Statement, in addition to the points listed above, the Strategic Advisory Group will also consider:

- creation of a feature entrance area, including pedestrian steps and ramp access, to link York Street and Henry Street;
- creation of large-scale land art, sculpture and landform around road network;
- addition of suitably designed parapets with enhanced aesthetics on York Street overbridges. The proposed bridge may become a positive landmark in the cityscape;
- feature boundary treatments and feature decorative finishes to retaining walls and structures;
- improved public realm treatments to key streetscapes, such as York Street. This would be ideally designed as a coherent masterplan, considering Belfast City strategic design issues, feature lighting and decoration of underpasses, especially pedestrian underpasses; and
- temporary enhancements and feature boundary treatments, to the potential future development areas.

5.13.11 Sensitive location of construction compounds and stockpile locations in relation to adjacent and nearby properties, to reduce the extent of adverse visual impacts.

Construction compounds would be fully reinstated and secured with appropriate boundary treatments following completion of the works.

5.14 **Land Use (Chapter 12 of the Environmental Statement)**

5.14.1 Landtake from and inconvenience to affected landowners would be minimised as much as feasibly possible. Suitable accommodation works have been considered for each land plot affected by the Proposed Scheme. These are subject to discussions and if possible agreed with the affected landowner. A comprehensive schedule of accommodation works and mitigation measures would be developed through dialogue/consultation as necessary.

5.14.2 Construction compounds to be located in areas that would cause the least disturbance to existing land uses, and to be fully reinstated post construction. Any land used for construction works, and outside the area to be developed for the scheme, would also be fully reinstated at a minimum. Land uses adjacent to the site should be able to continue with minimal disruption and inconvenience. A CEMP shall be prepared in advance of construction to mitigate potential impacts and maintain continued access to and operation of land as necessary.

5.14.3 The Department to carry out a review of land vested for construction. If this exceeds the minimum required for the performance of the Department's present and future responsibilities, any surplus land may be sold back to the original owner or others at the then market value.

5.15 **Noise & Vibration (Chapter 13 of the Environmental Statement)**

5.15.1 Thin Surface Course Systems (TSCS), otherwise known as low noise road surfacing would be provided on Interchange links between Westlink, M2 and M3 and the slip roads from these to the local road network.

5.15.2 A Noise barrier would be provided adjacent to the northbound carriageway of Westlink (approximate height 1.5m and length 240m) and a noise barrier would be provided adjacent to the southbound carriageway of Westlink (approximate height 1.5m and length 285m).

5.15.3 *The Inspector has recommended that subject to the scheme proceeding, an Operational Phase Verification Report to confirm/inform the Noise Insulation*

Regulations (Northern Ireland) 1995 eligibility and identify any actions arising out of duties under the Environmental Noise Directive be prepared. As outlined within Section 4.5.5 of this Statement, the Department acknowledges the Inspector's comments with regards to this and will progress the project in line with the recommendations.

5.15.4 With regards to the construction phase, several mitigation measures are considered appropriate, and of good working practice for all construction contracts, as detailed in BS5228 (1997 & 2009), 'Noise and Vibration Control on Construction and Open Sites'. Typical measures would include positioning of static plant as far away from receptors as possible, using well-maintained plant, temporary screening, enclosures, restricting works (where feasible) to daytime and staggering high vibration activities such as piling and jack hammering. These would be defined within the CEMP. Once a Contractor has been appointed and developed the detailed construction programme and associated plant schedule, the noise and vibration effects would be revisited. This would include a decision on the type of piles to be utilised (driven or bored), an assessment of necessary evening, night-time and weekend working, and the associated noise and vibration effects. The Contractor would also appoint or delegate a responsible person (a Community Liaison Officer) to be present on-site who would answer and act upon noise related queries from the public.

5.15.5 The procedures for managing noise and vibration during construction, including a protocol for compliance monitoring, would be documented in the Contractor's CEMP. *As per the Inspector's recommendations, close liaison with the Council regarding the above is to continue, during which the final version of the CEMP would be agreed. As outlined within Section 4.5.5 of this Statement, the Department acknowledges the Inspector's comments with regards to this and will progress the project in line with the recommendations.*

5.16 **Pedestrians, Cyclists, Equestrians & Community Effects (Chapter 14 of the Environmental Statement)**

5.16.1 Careful consultation with the local community would be required to negate adverse impacts. *As outlined within Section 3.3 of this Statement, the Inspector has emphasised that it is important that residents have an active voice; both during the remainder of the design phase of the Proposed Scheme and throughout construction, and has*

recommended that a meeting take place with key representatives to discuss communications structure/strategy. As outlined within Section 4.2 of this Statement, the Department acknowledges the Inspector's comments with regards to this and will progress the project in line with the recommendations.

5.16.2 *Further to this, the Inspector has recommended that a high level of communication and liaison is maintained throughout the future detailed design and eventual construction phase with all individuals and organisations that would be affected by the Proposed Scheme. Where applicable, every effort should be made to reach agreement on appropriate and acceptable measures to mitigate the impact of the Proposed Scheme. The Department acknowledges the Inspector's comments with regards to this and will progress the project in line with the recommendations.*

5.16.3 *The Inspector has stated that it is virtually certain that the memorial to those who were killed in the bombing of McGurk's Bar in 1971 will have to be relocated because of the need to widen North Queen Street Bridge. TransportNI to work closely with the victims' representatives in order to ensure that the recreation of this very significant memorial is carried out in accordance with their wishes and expectations. The Department acknowledges the Inspector's comments with regards to this and will progress the project in line with the recommendations.*

5.16.4 *The Inspector has stated that TransportNI are to identify and implement appropriate existing infrastructure adjustments to help to address the anti-social behaviour issues associated with the steps adjacent to North Queen Street Bridge. This work to be carried out as an integral part of the Proposed Scheme. The Department acknowledges the Inspector's comments with regards to this and will progress the project in line with the recommendations.*

5.16.5 A new bus lane is proposed between a new signalised junction at Galway House and the junction of York Street and Great Patrick Street. All other existing bus lanes within the scheme would be maintained. In consultation with Translink, any lost serviced bus stops would be appropriately relocated to new routes where feasible.

5.16.6 Footways are provided on all surface streets, with existing widths maintained and where possible (within the constraints of the site), enhanced.

5.16.7 Subsequent to publication of the Environmental Statement, changes to the Proposed Scheme layout for Non-Motorised Users (NMUs) was made in response to views raised as part of the statutory public consultation process and subsequent meetings with the Department's Cycling Unit and Sustrans. In June 2015, TransportNI adopted the London Cycling Design Standards (LCDS) (TfL, 2014) as its design manual going forward for the design of cycling schemes in Belfast. The revised layout for York Street within the Proposed Scheme has been developed in line with these standards, although it is recognised that it has not been possible to fully comply with all aspects of the standards owing to the constraints presented by existing built infrastructure engineering constraints. The changes are outlined below.

- Widening of the northbound cycle lane to a minimum width of 1.75m, with 2m typically provided along the majority of its length. This has required a reduction in the width of remaining traffic lanes and footway widths;
- Widening of the southbound cycle lane to a width of between 1.75m and 2m between the junction with Dock Street and Galway House, before increasing in width to 2m as it bypasses the jug-handle arrangement. Thereafter, a 1.5m dedicated width is provided southbound between Galway House and Frederick Street within a wider shared 4.5m wide bus lane;
- Continuation of cycle lanes through junctions as recommended by LCDS;
- Separation of the cycle lanes, where running adjacent to general purpose traffic lanes, using light segregation in the form of cycling bollards. Segregation will be via road marking only in the shared bus/cycle lane, as permitted by LCDS;
- The relocation of cycle lanes at junctions to minimise the conflict between cyclists and left-turning traffic;
- The use of a bus stop bypasses adjacent to the existing bus stop at Cityside Retail Park and a potential new bus stop in the southbound direction in a similar location. The number and layout of these bus stops and cycle bypasses would be further considered as part of detailed design; and

- A revised junction arrangement at the start of the southbound bus lane to allow cyclists to cross over into the southbound bus lane without conflict from other road users.

5.16.8 *As outlined within Section 3.5 of this Statement, the Inspectors have stated that:*

- *Dialogue to continue between TNI and Sustrans in order to seek acceptable solutions to the outstanding issues;*
- *TNI to re-examine their proposals for the roads at the extremities of the Scheme to ensure that as far as possible the anticipated cycling and other infrastructure developments outside the footprint of the Scheme are taken into account within the YSI project;*
- *TNI to reassess the implications of both the new University and emerging [Departmental] cycling strategies on the Scheme, as it is anticipated that this will transform the area around York Street beyond recognition;*
- *TNI to investigate mitigation measures to provide a degree of protection to cyclists and pedestrians from wind and rain on the York Street Bridge.*

5.16.9 *The Department acknowledges the Inspector's comments with regards to this and will progress the project in line with the recommendations.*

5.16.10 At all junctions, provision would be made for non-motorised users in accordance with Department for Transport Local Transport Notes and Traffic Advisory Leaflets. Accordingly, dropped kerbs and tactile paving is proposed at all controlled and uncontrolled crossing points, with pedestrian guardrail provided where considered necessary to control movements. At proposed signalised junctions, puffin crossings would be implemented in line with DMRB guidance. The Proposed Scheme layout would also include the provision of a new, modern road lighting system for the safety of motorised and non-motorised road users. The provision, or replacement of existing lighting systems has been considered as part of this process and the provision of additional lighting under proposed bridge structures would continue to be considered as part of future design development.

5.16.11 Careful traffic management to facilitate safe passage for pedestrians and others. This would typically include barriers defining the footpaths and safety zones to prevent

construction vehicles encroaching on pedestrian areas. Where appropriate, segregated pedestrian routes would be provided. Traffic management would be closely monitored on-site to ensure safe operation.

5.16.12 The Contractor will ensure delays to local and strategic traffic are kept to a minimum and full use is made of the available carriageway and works space. Mitigation measures may include: Advanced publicity outlining the traffic management proposals and duration, and giving advance warning of specific traffic management measures; reducing lane widths; efficient phasing of contraflow operations; and adequate advance signing of the works.

5.16.13 The Contractor will be required to maintain at least two-way traffic around the junction during weekday am and pm periods of peak traffic flow.

5.17 **Vehicle Travellers (Chapter 15 of the Environmental Statement)**

5.17.1 Where appropriate, mitigation would include open parapets on overbridges to allow views from the road and to reduce the mass of the structure and planting design which should be sensitive to the interaction between retaining views from the road and screening.

5.17.2 As part of the Traffic Management Plan, temporary warning and variable message signs would be erected as appropriate to draw attention to particular hazards including site accesses and temporary traffic management measures. The local and wider community would be notified of major works (i.e. road closures, diversions, etc.) in advance in the local press, community facilities, radio, internet etc.

5.18 **Road Drainage & the Water Environment (Chapter 16 of the Environmental Statement)**

5.18.1 A centrally-located storm water pumping station is proposed to collect surface water drainage from a catchment (mostly consisting of the underpass areas) and convey water to an appropriate outlet (Belfast Harbour) via an existing Combined Sewer Overflow (CSO) located at Gamble Street. All other remaining catchment areas within the wider scheme footprint would drain to the existing NIW system as currently is the case. If any changes are made to the drainage proposals as the detailed design progresses, the appropriate statutory bodies (i.e. Northern Ireland Environment Agency – Water Management Unit (WMU), - Marine Team and Rivers Agency) would be consulted.

5.18.2 Further drainage measures including surface water drainage solutions would be required in isolated areas adjacent to the site. These include the central scheme areas which may be landscaped and would, for example, be included in the pumping station catchment area, areas where the adjacent ground slopes towards the scheme, areas of proposed or existing engineered/earthworks slopes, footways or finally, paved areas within the site where storm water could potentially pond or accumulate.

5.18.3 Underpasses would be designed as sealed structures with sufficient load bearing capacity and flexural strength. This approach to the structural design of the underpasses would mean that within their structural formation between the finished road surface and the top of propping slab level, there would be no requirement to collect and dispose of significant quantities of groundwater. In consideration of changes in the local hydrogeological regime, which may potentially affect groundwater flow in the fluvial deposits, leading to changes in the hydraulic gradient and increased hydraulic heads that may be transmitted to overlying deposits. the following additional information is required as part of the detailed design development:

- further routine groundwater level gauging of boreholes (i.e. weekly monitoring be undertaken over several weeks);
- in-situ hydraulic testing of wells installed in the three hydrogeological units (i.e. the bedrock, the fluvial deposits and the estuarine alluvium); and
- numerical groundwater modelling to test the effects of deep foundation structures on the groundwater flow regime and to quantify the potential implications of head changes in the fluvial deposits on groundwater levels in the estuarine alluvium.

5.18.4 *The Inspector's have recommended that TNI continue to liaise with the Council regarding future analytical results of any hydrogeological groundwater monitoring in order to determine the likely impact of deep engineering structures on the surrounding water table. As outlined within Section 4.5.5 of this Statement, the Department acknowledges the Inspector's comments with regards to this and will progress the project in line with the recommendations.*

5.18.5 Scheme flood retaining walls would be provided and ramp approaches would be sufficiently raised to reduce the risk of coastal flood water ingress to underpasses.

- 5.18.6 A temporary flood barrier would be incorporated into the Proposed Scheme to provide protection and remove the potential flood entry point. In addition, as part of the temporary flood barrier proposal, a Flood Risk Management Plan would be developed, the purpose of which would be to outline flood warning procedures, provide a safe work plan for erecting the temporary flood barrier, detail ownership and responsibility for the flood barrier, as well as methods for safe storage, and outline procedures for closing Nelson Street.
- 5.18.7 New drainage infrastructure would be designed in such a way so as to prevent back flow routes occurring into underpasses during flood events. The storm water pumping station would be designed with resilience measures and protection to reduce risk of failure.
- 5.18.8 Any works in, near or liable to impact a waterway (including measures to mitigate adverse impacts) ‘must’ gain the approval of NIEA – WMU Pollution Prevention (PP), Marine Team and Rivers Agency, a minimum of two months prior to commencement of such works. Works require Method Statements to be agreed prior to the commencement to demonstrate how they would be completed with minimum disturbance and would describe the specific procedures to be put in place to control sediment mobilisation and spillages. Measures established through dialogue with the NIEA-WMU Major Client Interface Group and stakeholders engaged through the consultation process would be included within the Method Statements (where appropriate and technically feasible). An Environmental Liaison Group would also be set-up to ensure that potential for significant impact upon the water environment is addressed and appropriate measures to mitigate effects are employed for sensitive activities.
- 5.18.9 The Contractor shall be required to comply with the Pollution Prevention Guidelines (PPGs) regarding pollution of watercourses and CIRIA manuals C532 (*‘Control of Water Pollution from Construction Sites’*), C648 (*‘Control of Water Pollution from Linear Construction Projects’*) and SP156 *‘Control of water pollution from construction sites – guide to good practice’*. An Emergency Response Plan shall be prepared to minimise the risk and potential effects of any spillage incidents.
- 5.18.10 In principle, it has been agreed that temporary discharges from the works area (with appropriate settlement and filtration measures to ensure treatment of runoff and settling out of sediments before discharge), would be possible to the existing NI Water sewerage network, subject to consultations and submission of design proposals to NI Water. On

this basis, the CEMP would include an Erosion Prevention and Sediment Control Plan prior to commencement of any works.

5.19 **Geology & Soils (Chapter 17 of the Environmental Statement)**

5.19.1 Employment of high standards of soil/deposit handling and management during the construction, and avoiding creation of bare areas of permanently exposed deposits that would be vulnerable to erosion.

5.19.2 Measures to remediate contaminated land may include additional targeted testing and risk assessments if no existing ground investigation data is available, and then assess whether there is a need for containment or disposal of the material. The re-use of this material would need careful consideration to demonstrate that unacceptable risks are not posed to health or environmental receptors.

5.19.3 As described in Section 5.18.3 of this Statement, the Department intend to generate a hydrogeological model in order to determine the likely impact of deep engineering structures on the surrounding water table and undertake further groundwater monitoring and hydraulic testing.

5.19.4 As detailed in Section 4.5.5, Belfast City Council noted that changes to the water table may have implications for contaminant mobilisation, ground gas generation and contaminant transport to offsite receptors. Whilst, the Council is broadly satisfied with the proposed management strategy towards ground contamination and towards the mitigation of risk posed by contaminated land, the Council anticipates that additional analytical data and modelling will help to refine the conceptual site model for the development but it is recommended that adjacent residents and site workers' safety should continue to be a primary consideration.

5.19.5 *The Inspector has recommended that the Department continue to liaise with the Council regarding future analytical results of any made ground and hydrogeological groundwater monitoring in order to help to refine the conceptual site model for the development but it is recommended that adjacent residents and site workers' safety should continue to be a primary consideration. As outlined within Section 4.5.5 of this Statement, the Department acknowledges the Inspector's comments with regards to this and will progress the project in line with the recommendations.*

- 5.19.6 The Contractor would produce a CEMP, which would provide details of environmental control measures to deal with any contaminated land encountered during the site operations.
- 5.19.7 Management of all materials onto and off the site would be suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This would be demonstrated through a Site Waste Management Plan (SWMP).
- 5.19.8 If material cannot be re-used elsewhere for approved agricultural improvements or as fill, its disposal would be at suitable licensed tips where it would be subject to landfill tax. There are strict legal controls preventing illegal dumping of surplus fill, including a requirement for a waste disposal license to be obtained and a Duty of Care on the Contractor. The Contractor would be required to make every effort to re-use as much of the material as possible within the area of the construction site. Any material to be re-used, which is wet, would be stockpiled to allow it to dry out. Stockpiling would be well away from any sensitive areas of ecological or archaeological interest, or watercourses where pollution could occur.
- 5.19.9 ADEPT and MPA guidance on managing reclaimed road materials (ADEPT and MPA ‘*Guidance on Managing Reclaimed Asphalt – Highways and Pavements*’, July 2013) and the NIEA publication on bitumen road planings ‘*Guidance on the production of fully recovered asphalt road planings*’ would be followed in the identification and management of road planings.

6. DEPARTMENTAL DECISION

6.1 Having considered the Inspector's Report and all other representations made, the Department concurs with the Inspector's recommendation that the proposed York Street Interchange scheme shall proceed and the necessary Orders made. The decisions and Orders set out below will be subject to the requirement to carry out the mitigation and other works referred to in Section 5 of this Report and those actions in Section 4 relating to the Inspector's recommendations.

6.2 Environmental Statement

- The Department has decided to publish a Notice to Proceed with the scheme.

6.3 Designation Order

- The Department has decided to make the Designation Order.

6.4 Vesting Order

- The Department has decided to delay the making of Vesting Order for the scheme to align with the construction programme.